IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

C.W.P. No. 1934 of 2007
Date of Decision: 5.11.2007

Karamjit Singh.

..... Petitioner through Shri Sachin Kapoor, Advocate.

Versus

State of Punjab and others.

..... Respondent no.1 through Shri A.G.Masih, Senior Deputy Advocate General, Punjab.
Respondent nos. 2 and 3 through Ms.Jaishree Thakur, Advocate.

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER

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1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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VIJENDER JAIN, CHIEF JUSTICE

C.M.No.17784-85 of 2007

The application is allowed and the accompanying replication is taken on record.

C.W.P.No.1934 of 2007

The petitioner has impugned order dated 8.9.2003 (Annexure P10) by which his revision petition was dismissed by the competent authority.

The allotment of plot in favour of the petitioner was cancelled

in the year 2000 on account of non-payment of the requisite amount. The appeal against such cancellation was dismissed on 5.4.2001 and the revision petition was dismissed vide order dated 8.9.2003, Annexure P10.

The factum of non-payment of twenty instalments amounting to Rs.1,94,600/- led to the initial order of cancellation.

After dismissal of the revision petition, the petitioner asked for the refund of his transfer fee deposited by him in the year 2004 which was released to him vide cheque no.018004 dated 21.5.2004.

Apart from the fact that this petition has been filed after an inordinate delay of 3-1/2 years, the counter-affidavit submitted by the respondents reveals that the petitioner had sold the property by way of an indirect sale by executing a general power of attorney, who had deposited Rs.4 lacs with the authorities of Punjab Urban Planning and Development Authority after dismissal of the revision petition. The said general power of attorney also submitted an application for transfer of the property in favour of Mrs.Shanti Devi wife of Shri Anoop Kumar, resident of H.No.1410, Phase 3B2, Mohali on 12.1.2004, but he was intimated vide letter dated 17.2.2004 that the allotment stood already cancelled and that no action could be taken unless the cancellation was set aside. It was after this refusal that the general power of attorney had asked for the refund of the amount vide his application dated 19.4.2004 which was accordingly done.

Having regard to the aforesaid facts, when the petitioner initially failed to comply with the terms of allotment on account of non-

payment of the amount due which led to the cancellation, as also the fact that the appeal and revision were dismissed and the writ petition has been filed after lapse of 3-1/2 years, we do not propose to exercise our jurisdiction under Article 226 of the Constitution of India.

Hence, the writ petition is dismissed.

(Vijender Jain)
Chief Justice

November 05,2007
"SCM"

(Mahesh Grover)
Judge